

**ORAL ARGUMENT NOT YET SCHEDULED**

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STEEL, PAPER AND	)	
FORESTRY, RUBBER,	)	
MANUFACTURING, ENERGY,	)	
ALLIED INDUSTRIAL AND	)	
SERVICE WORKERS	)	
INTERNATIONAL UNION, AFL-	)	
CIO,	)	
	)	No. 24-1151
<i>Petitioner,</i>	)	and consolidated cases
	)	
v.	)	
	)	
U.S. ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
<i>Respondent.</i>	)	

RESPONSE TO OLIN’S MOTION TO INTERVENE

Olin seeks to intervene in support of Petitioners Texas Chemistry Council and American Chemistry Council, to challenge EPA’s final rule entitled “Procedures for Chemical Risk Evaluation Under the Toxic Substances Control Act (TSCA)” (the “TSCA Risk Evaluation Rule”), 89 Fed. Reg. 37028 (May 3, 2024).

EPA takes no position on Olin’s motion, with the condition that Olin’s participation not expand the overall number of words allocated to Olin and the Petitioners representing chemical and other manufacturers. Olin’s interests are clearly aligned with such Petitioners. Olin could have filed its own petition for

review, in which case it would be required to share a brief with its aligned Petitioners. *See Handbook of Practice and Internal Procedures*, D.C. Cir. (2021) at 38 (“[p]arties with common interests in consolidated or joint appeals must join in a single brief where feasible”). A party should not be allowed to use intervention as a vehicle to increase the overall number of words allotted to aligned petitioners.

DATED: July 19, 2024

Respectfully submitted,

/s/ Daniel R. Dertke

Daniel R. Dertke

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## CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

Pursuant to Rule 27(d) and 32(g)(1) of the Federal Rules of Appellate Procedure and Circuit Rule 27(a)(2), I hereby certify that the foregoing Response to Olin's Motion To Intervene contains 164 words, as counted by a word processing system that includes headings, footnotes, quotations, and citations in the count, and therefore is within the word limit set by the Court.

This document also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

DATED: July 19, 2024

/s/ Daniel R. Dertke  
Daniel R. Dertke

## CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2024, I electronically filed the foregoing with the Court by using the CM/ECF system, which will send a notification to the attorneys of record in this matter, who are registered with the Court's CM/ECF system.

/s/ Daniel R. Dertke  
Daniel R. Dertke